

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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LILIANA MARTINEZ,  
Charging Party/Appellant,

HRB CASE NO. 0121015510

-v-

ORDER  
FINAL AGENCY DECISION

MONTANA TECH,  
Respondent/Appellee.

\*\*\*\*\*

Charging Party, Liliana Martinez (Martinez), filed a complaint with the Department of Labor and Industry (Department) alleging unlawful discrimination in education on the basis of national origin and retaliation for participating in a protected activity. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Martinez's allegations that Respondent, Montana Tech, unlawfully discriminated against Martinez. The Department issued a Notice of Dismissal. Martinez filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on March 13, 2013. Charging Party, Liliana Martinez appeared and argued on her behalf. Lucy France, attorney, appeared and argued on behalf of Respondent, Montana Tech. The Commission finalized its decision at a special meeting convened on March 28, 2013

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA*. If a charging party fails to commence a civil action within 90 days, their claims are time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA.* This review must be requested within 30 days of the date of this order. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record. *Section 2-4-702(2), MCA.*

IT IS HEREBY ORDERED, that Liliana Martinez's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Montana Tech.

DATED this 28<sup>th</sup> day of March, 2013.



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Cynthia Wolken, Chair  
Human Rights Commission

## CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 28<sup>th</sup> day of March, 2013.

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Annah Smith, Legal Secretary  
Montana Human Rights Bureau